

COMMISSIONERS APPROVAL

ROKOSCH 

GRANDSTAFF 

THOMPSON 

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Date.....December 5, 2007

Members Present..... Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Glenda Wiles

► The Board met for a Request for Commission Action on a letter of Release of Credit
for Sunnyside Orchard #4 Block 5, Lot 16 (also known as Lords AP). Planner John
Lavey was present to present the Request for Commission Action as follows:



REQUEST FOR COMMISSION ACTION

OG-07-11-1194

Meeting: December 5, 2007 @ 9:00 a.m.
Request: To allow for the release of the Sunnyside Orchards #4, Block 5, Lot
16, AP (Lords) Letter of Credit

I. ACTION REQUESTED

This is a request from Farmers State Bank to allow for the release of the
Sunnyside Orchards #4, Block 5, Lot 16, AP (Lords) Letter of Credit.

II. BACKGROUND

The County accepted a Letter of Credit for improvements necessary for the referenced subdivision. All improvements have been completed and Farmers State Bank is requesting that the County release the Letter of Credit #1150.

IV. STAFF RECOMMENDATION

Staff finds that all improvements as required for final plat approval have been met.

V. RECOMMENDED MOTION

That the Board of County Commissioners **approve** the release of the Sunnyside Orchards #4, Block 5, Lot 16, AP (Lords) Letter of Credit.

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|---------------------|---------------------------------------------------|
| ATTACHMENTS: | Request for release Improvement Certifications |
| STAFF: | John Lavey |
| DATE: | November 27, 2007 |

It was noted Glenda prepared a Resolution for the Letter of Credit release of funds.

Commissioner Chilcott made a motion to adopt Resolution No. 2254 which releases the letter of credit in the amount of \$21,073.64 from Farmers State Bank, as recommended by the Planning Staff. Commissioner Thompson seconded the motion and all voted "aye".

► In other business the Board met with Weed Coordinator Kellieann Morris in regard to changing the membership of the Weed Board by Resolution.

Kellieann stated a Weed Board meeting was held last night and the Board Members would like to keep the membership at five, but have the membership be At-Large rather than from Commissioner Districts. Kellieann stated it is important for these members to be familiar with the agricultural community. Discussion included the need to have representation from the north and south valley and difficulty filling the north valley district. Two of the Weed Board Members terms expire on December 31, 2007. Currently three of the five members live in or near Hamilton and the remaining two members live in or near Stevensville.

Commissioner Grandstaff made a motion to adopt Resolution No. 2255 setting the membership to five members with three-year staggered terms, At-Large with geographic diversity being sought. This Resolution will become effective January 1, 2008. Commissioner Chilcott seconded the motion and all voted "aye".

While Kellicann was present she gave a quick overview of the Weed Board meeting of December 4, 2007 and a weed update.

► In other business the Board met with members of the Board of Health in regard to the perceived need for building permits. Also present were Civil Counsel Alex Beal, Planning Director Karen Hughes, Environmental Health Director Lea Jordan, and members of the public. Board of Health Member Roger DeHaan stated the Board of Health feels it is their job to advise the Commissioners on important matters such as the need for building permits. Over the past few years, more and more citizens are coming to the Board of Health for a refund of penalties for building without proper septic permits. The home owners are reporting to the Board of Health they are being told by the builders and excavators there is no need for a septic permit prior to actual construction.

Roger stated he would prefer to have these permits called 'compliance permits' rather than building permits as the permits do not have anything to do with the Uniform Building Code. There are numerous places that have these types of permits. The permits would keep new development or extensive remodeling on track for the proper permits such as septic, well, flood plain, addressing, access encroachment etc. Discussion included the subdivision plat which includes the DEQ approval for any lot less than 20-acres, and the differences between the DEQ approval and the local septic permit from the Environmental Health Department.

Roger also noted the potential negative impacts by not doing these compliance permits. He stated one day an expensive mistake is going to be made by a homeowner who begins to build a house and that lot will not allow a septic or well and the house may have to be dozed down.

Karen stated she likes the idea of having a compliance permit and wonders if the Commissioners are ready to move forward with a building permit system which includes the standard building codes which include plumbing etc. Alex stated moving to building permits is a 'huge step'. A compliance check is a 'baby step' towards the building permits system. One major issue will be the enforcement issue.

Citizen Ben Hillicoss stated one issue is to get the word out to people. Utilizing the web for house building or development is one good way. Alex also noted there are only so many places where building materials can be purchased. If those businesses are aware of the requirement, then they can educate the public.

Commissioner Thompson asked about various questions about setting up the permit system. He asked if it would include adding a porch or just an additional bedroom. Other

issues include the site visit, permit issuance and enforcement of the permit. Roger stated that is why he likes the compliance permit as it will not address adding a porch but it addresses additional bedrooms, which is critical to the septic system. Roger agreed there would need to be a person who would have an office, a vehicle and the ability to have GIS mapping etc.

Commissioner Chilcott stated at first this conversation started in regard to having a check list. Now he is hearing more, such as a new employee, site visits, enforcement etc. He stated the sanitarian; flood plain administrator will still be doing their job so the check list could simply refer the person to the proper office.

Builder Ray Tipton stated they are addressing two different issues; i.e., a simple check list versus a permit for the various issues such as road encroachment, flood plain, additional bedrooms that trigger a change in the septic permit. He suggested if they base the permit cost on the amount of homes being built rather than a simple check list, the issue has already gotten out of hand.

Commissioner Driscoll stated there is no coordination of the building and remodeling. The compliance check list could relieve the problems that exist. She also noted there is some construction occurring that is pretty bad. Ray stated the county can have a simple check list or something more 'far reaching' that will require a inspector, enforcer etc.

Commissioner Rokosch stated as the population continues to grow, having inspection permits will become the natural progression. He also noted those types of permits assist the builder, the realtor etc., in regard to liability.

Roger stated he is not envisioning someone to take on this huge issue, he realizes there must be some baby steps taken first. He feels the regulations should be made simple for everyone to follow.

Engineer John Horat stated he works with numerous agencies. Some agencies do not like to initial off on a project. He can think of numerous agencies that may have to weigh in on some projects. Does the county want to be responsible to sign off on certain things, or simply refer the homeowners?

Commissioner Rokosch stated he does not want the county to have any responsibility for any other agency such as the Army Corp of Engineers. He is simply thinking of the local county requirements. Alex stated the other issues such as the Army Corp of Engineers can be handled by a simple disclaimer.

John stated he agrees with Commissioner Thompson, the devil is in the details.

Commissioner Grandstaff stated she is not in favor of having any more bureaucracy. The offices and people also exist. She felt they simply need a place that spells out the needed local permits.

Commissioner Thompson asked if they could obtain a sample from other counties so Ravalli County does not reinvent the wheel. He is concerned about the ability of young people who want to build here versus those who come here to retire.

Commissioner Grandstaff stated the Board of Health is not recommending any additional fees.

Health Board Member Patti Eldredge stated some of the most heart wrenching requests the Board of Health hear are from the young couples who are trying to build their new homes.

Commissioner Chilcott stated the public needs to be made aware with a list of what they are required to check off or into. He does not feel the county should hold their hands during the process. They have to bear some responsibility for themselves.

Discussion included the enforcement issues and ability to levy fines on a daily basis. Many builders and new homeowners will move forward with the construction so they can construct the house prior to the bad weather, and are then willing to pay the \$1,000 penalty fee for not having a septic permit.

It was agreed Alex will obtain templates from other counties prior to moving forward on any compliance check list or compliance permits. Roger will continue to work with other Department Heads and the Board of Health in order to bring more information forward to the Commissioners.

► In other business the Board continued their public hearing of November 5th in order to adopt the Resolution to establish the Ravalli County Open Lands Bond Program. (See the attached Request for Commission Action). Present at this hearing was Planning Director Karen Hughes, Deputy County Karen Mahar, Internal Auditor Klarryse Murphy and members of the public as well as Ex Officio Open Lands Board Member John Ormiston.

Karen Mahar noted the draft resolution was reviewed and approved by Bond Counsel and the Open Lands Board. The resolution is recommended by all the parties with the exception of one change for the 'definition of conservation easements' (on page 3). That change will be to have the definition of conservation easement match the wording of the Montana Statute which would include removing the word 'perpetual'. Karen stated each individual easement could allow a perpetual easement, but that can be addressed in each individual project.

Karen Hughes noted this resolution establishes policy which is different from the draft resolution. Under the project review criteria, the Open Lands Board felt the scoring worksheet is critical. Karen felt they should be more general by looking at the goals and objectives. This is an area the Commissioners need to review for policy directive.

Commissioner Driscoll complimented them for their work and making sure everyone had an opportunity to weigh in on this.

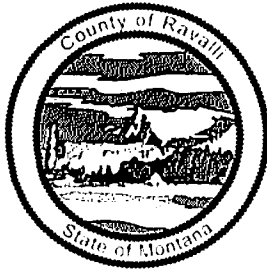
Public comment was called for.

In regard to removing the word perpetual in the definition of a Conservation easement, both John and Surveyor Steve Powell stated most, if not all applicants will seek a perpetual easement for both tax purposes and use of public funds. Steve stated in any dealings with the open lands trust there has never been any properties that did not require 'perpetual' easements. John stated the reason for these land trusts is for perpetual protection. Steve stated the only way to reverse a perpetual easement is through a District Court action, but it is very rare to relax or reverse the easements. John stated he is not aware of any conservation easements that were for 15-20 years.

Commissioner Grandstaff made a motion to adopt Resolution No. 2256 with the striking of the word 'perpetual' on page 3 under the definition of Conservation Easement. Commissioner Chilcott seconded the motion. All voted "aye".

► In other business Commissioner Rokosch and Commissioner Grandstaff made an on site visit to the Ravalli County Justice Center during the afternoon hours.

Commissioner Driscoll attended an Airport Advisory Board meeting in the afternoon hours.



REQUEST FOR COMMISSION ACTION

OG-07-11-1206

Meeting: December 5, 2007 @ 11:00 a.m.
Request: Adoption of a Resolution to Establish the Ravalli County Open Lands Bond Program.

I. ACTION REQUESTED

This is a request from the Ravalli County Open Lands Board to establish the Open Lands Bond Program through resolution, as recommended by the Open Lands Board and Ravalli County Planning Department, and as reviewed by the Ravalli County Attorney's Office.

II. BACKGROUND

On November 7, 2006, voters of Ravalli County passed the Open Lands General Obligation Bond. On February 26, 2007, the Board of County Commissioners (BCC) passed Resolution No. 2037, Amendment to Resolution No. 2020 establishing the Ravalli County Open Lands Board and establishing its composition and term lengths. On May 7, 2007, the BCC passed Resolution No. 2104 to adopt a set of bylaws for the Open Lands Board.

On November 5, 2007, the BCC held a public hearing to consider Open Lands Bond Program administrative procedure and application review documents. These had been developed after the commitment of countless hours of time on the behalf of Open Lands Board members and Planning Staff, and were adopted by the BCC without amendment. With adoption of the documents the Ravalli County Open Lands Bond Program was 'open for business' and ready to start taking applications.

Based on the testimony of Mae Nan Ellingson, Bond Counsel, and others at the November 5, 2007, public hearing staff was directed to revise the proposed resolution to create a Resolution to Establish the Ravalli County Open Lands Bond Program that more thoroughly reflected the policies under which that program would operate.

Staff, including Bond Counsel, the County Attorney's Office Staff and Planning Staff, developed a new draft resolution for establishment of the Open Lands Bond Program that did several things: provided an overall policy statement for the program that tied the previous actions and resolutions regarding this program together, outlined the goals and objectives of the program, generally described the application and evaluation requirements for Open Lands Bond Program Applications and clarified the roles and responsibility of different entities in implementing the Ravalli County Open Lands Bond Program.

The Open Lands Board reviewed, amended and formally recommended approval of the resolution at their general business meeting on November 15, 2007. Following a final review of the Open Lands Board's recommendation by the County Attorney's Office, minor changes were made to the Open Lands Board's proposal and this final draft is before the Commissioners for consideration on December 5th. Open Lands Board members have reviewed the minor changes via email and did not express any concerns with the noted changes.

III. RECOMMENDED MOTION

That the resolution to establish the Open Lands Bond Program, as recommended by the Open Lands Board and Ravalli County Planning Department, and as reviewed by the Ravalli County Attorney's Office, be approved.

REMAINING ISSUES: As recommended by Bond Counsel, the draft resolution reflects recommended policy under which the Open Lands Bond Program will be operated. As such it is important to review this document not as if it is a mere formality, but rather as the statement of County policy that it is intended to be.

FISCAL IMPACT: The approval of this resolution will establish the procedures under which applications for Ravalli County Open Lands Bond funds will be evaluated, processed, and decided upon and the Bond funds will be expended.

ATTACHMENTS: Resolution to Establish the Ravalli County Open Lands Bond Program (Mark up and clean copies – the mark-up copy shows changes between the final version approved by the Open Lands Board and the revisions made in the final review by the County Attorney's Office.)

STAFF: Vanessa Perry, Karen Hughes, Karen Mahar

DATE: November 30, 2007